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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,697	08/11/2003	David A. Scheidmantal	70639-0025	1696
20915	7590	11/26/2004	EXAMINER	
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503				BLANKENSHIP, GREGORY A
		ART UNIT		PAPER NUMBER
		3612		

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/604,697	SCHEIDMANTAL ET AL.
	Examiner Greg Blankenship	Art Unit 3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on election filed 9/14/2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7, 10-34, 37-50 and 53-62 is/are rejected.
- 7) Claim(s) 8, 9, 35, 36, 51 and 52 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of Species A in the reply filed on 9/14/2004 is acknowledged. The traversal is on the ground(s) that the search for Species B would not necessitate a burdensome search. This is not found persuasive because each species require a search that includes numerous subclasses that are directed to only that particular species.

The requirement is still deemed proper and is therefore made FINAL.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 10, 11, 13-16, 22-26, 28-34, 37, 38, 47-50, 53, 54, 56-58, and 60-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Scherf (5,527,084).

Scherf discloses a collapsible vehicle armrest. The armrest is composed of a first frame member (40), a second frame member (32), a foam core (66), and a flexible cover (64). The first frame member is connected to the vehicle door panel (10). The first frame member (40) and the second frame member (32) are connected by a series of elongated members, the top edge of ribs (32), that are received between ridges (44). This connection also reads on the pins and apertures as broadly recited in claims 7, 34, and 50. A recess in the armrest receives the second frame member (32) when it collapses due to a forcible impact. The second frame member (32) moves relative to the first frame member (40).

### *Claim Rejections - 35 USC § 103*

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12, 39, 40, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scherf (5,527,084).

Scherf does not disclose the claimed shape of the edge.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the top edge of the ribs, of Scherf, with a tapered or rounded shape to make insertion of the ribs between the ridges easier.

6. Claims 17-21, 27, 41-46, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scherf (5,527,084) in view of Hansen et al. (6,183,038).

Scherf does not disclose the claimed material for the cover.

Hansen et al. teach the use of leather, fabric, and/or a polymeric material to form a portion (24) of an interior lining of a vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Scherf's cover of leather, fabric, and/or polymeric material to improve the aesthetics of the vehicle's interior.

### *Allowable Subject Matter*

7. Claims 8, 9, 35, 36, 51, and 52 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is (703) 305-0223.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

**Or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**or:**

(703) 746-3511, (for informal or draft communications, please clearly label "FOR DISCUSSION PURPOSES ONLY", "PROPOSED" or "DRAFT")

gab  
November 22, 2004

D. GLENN DAYOAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

11/23/04